

Remarks

In the subject action, claims 43 - 55, 57 - 61, 84 - 90, 92, 93, 96 - 100, 102 and 125 - 130 are pending. Claims 84 – 90, 92 – 93, 96 – 100, 102 and 128 – 130 were allowed. Claims 43 – 45, 49 – 54, 57 – 59, 61, and 125 – 127 were rejected. Claims 43, 57, and 84 have been amended herein.

In response, Applicants thank the Examiner for allowing claims 84 – 90, 92 – 93, 96 – 100, 102 and 128 – 130. Applicants respectfully disagree with the Examiner’s rejections, however, of claims 43 – 55, 57 – 61 and 125 - 127 for the reasons set forth below.

Claim Objections

The Examiner objected to claim 57 and 58 for depending on cancelled claim 56. Applicants have amended the claim 57 to properly depend from claim 43. Claim 58 now properly depends from claim 57. Accordingly Applicants respectfully request the withdrawal of the objections.

Allowable Subject Matter

As noted above, the Examiner allowed claims 84 – 90, 92 – 93, 96 – 100, 102 and 128 – 130. Applicants thanks the Examiner for the allowance and note that claim 84 has been amended herein to change “converter” to “conversion” to correct a minor antecedent basis issue.

Claim Rejections – 35 U.S.C. § 103

Claims 43 – 55, 57 – 61 and 125 - 127 were rejected over different combinations of U.S. Patent No. 6,889,385 to Rakib et al. (“Rakib”), U.S. Patent No. 7,200,855 to Laksono (“Laksono”), and U.S. Patent No. 6,263,503 to Margulis (“Margulis”). In particular, claims 43 – 45, 49 – 54, 57 – 59, 61, and 125 – 127 were rejected over Rakib in view of Laksono. Claims 46 – 49 were rejected over Rakib in view of Laksono in further view of Margulis. Applicants respectfully traverse the rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 43 recites in pertinent part, “*a programmable converter* in the local service module converting the at least one digital video channel or the at least one analog video channel from its frequency within the multiplexed channel signal to a signal having a predetermined frequency that corresponds to the at least one of the plurality of room interface units making the request;” To illustrate, attention is respectfully directed to the Applicants’ embodiment illustrated in Figures 2- 3 and described on pages 19-21 of the Applicants’ application as filed. Applicants kindly direct the Examiner to Figure 3 for support of the amendments, in particular, programmable converter 54 as described and shown. It is appreciated of course that Figure 3 illustrates only one embodiment and that there are other embodiments in accordance with the teachings of the Applicants’ claimed invention.

In rejecting previous claim 43, on page 4 of the Office Action, the Examiner cited Rakib at col. 32, line 52 – col. 33, line 2 for teaching “conver[ting] the at least one digital video channel or the at least one analog channel from its frequency within the multiplexed (HFC) channel signal to a video signal.” Applicants submit, however, that whether or not the HFC channel can be characterized as the claimed multiplexed channel, the cited section discusses the use of three tuners 700, 702, and 704 for performing the alleged conversion. It is silent, as well as is the remainder of Rakib, as to “*a programmable converter*” and in particular fails to teach or suggest a “*a programmable converter* in the local service module converting the at least one digital video channel or the at least one analog video channel from its frequency within the multiplexed channel signal to a signal having a predetermined frequency that corresponds to the at least one of the plurality of room interface units making the request;”

Laksono also fails to teach or suggest one or more of the recitations of claim 43, and at the very least does not teach “*a programmable converter* in the local service module converting the at least one digital video channel or the at least one analog video channel from its frequency within the multiplexed channel signal to a signal having a predetermined frequency that corresponds to the at least one of the plurality of room interface units making the request;”

Margulis also fails to teach or suggest one or more of the recitations of claim 43, and at the very least does not teach “*a programmable converter* in the local service module converting the at least one digital video channel or the at least one analog video channel from its frequency within the multiplexed channel signal to a signal having a predetermined frequency that corresponds to the at least one of the plurality of room interface units making the request;”

Consequently, the combination of the references fail to teach or suggest all elements of claim 43, as required under M.P.E.P. § 2143.03. Accordingly, Applicants request that the instant §103(a) rejections of claim 43 be withdrawn.

Dependent claims 44 - 54, 56 - 58, 61, 85 - 95, and 125 - 127 depend directly or indirectly from claims 43 and are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further recitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the claims 44 - 54, 56 - 58, 61, 85 - 95, and 125 - 127 be withdrawn.

Conclusion

In conclusion, claims 43 – 55, 57 – 61 and 125 - 127, as well as allowed claims 84 – 90, 92 – 93, 96 – 100, 102 and 128 – 130, are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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